



Barry Coburn
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July 14, 2025

VIA ECF

The Honorable Sidney H. Stein
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Nadine Menendez, (S4) 23-cr-490 (SHS)/UNDER SEAL

Dear Judge Stein:

We represent Defendant Nadine Menendez. I write to Your Honor, with reluctance and with gratitude to the Court for the adjournment of sentencing previously granted, to request that Ms. Menendez's sentencing, scheduled for September 11, 2025, be further rescheduled to allow Dr. David Schretlen's testimony to be elicited at Ms. Menendez's sentencing hearing. I also write to apprise the Court of related issues that have arisen in our preparation for sentencing.

The government does not consent to this request for an adjournment. Our related email exchange with the prosecutors is appended here as Exhibit 1. We respectfully request that the instant letter be filed under seal, since it relates to Ms. Menendez's medical condition.

[REDACTED]

Consequently, I sought an adjournment so that we could engage Dr. Schretlen, a neuropsychologist who was a Professor of Psychiatry and Radiology at the Johns Hopkins University School of Medicine (recently retired), to evaluate her and provide his opinion to the Court.

Dr. Schretlen has met with Ms. Menendez and administered a number of clinical tests. Our hope was, rather than just providing an un-cross-examined written report, he would be able to appear at sentencing, testify and be subject to questioning by the government and the Court. This, is my view, would substantially increase the value of his opinion to the Court. However, he is committed to a visiting professorship at the University of Deusto in Balbao, Spain, from September 6 through October 13, 2025. He will be lecturing on traumatic brain injury and psychometrics, and doing research concentrated on normal cognitive aging.

Two other factors also relate to my request for an adjournment. First, Dr. Schretlen would like to schedule a follow-up in-person appointment with Ms. Menendez, prior to his departure for Spain. The second is more problematic.



I am seeking ethics advice as to how to resolve this issue.

Finally, I should mention that I am concerned, for some of the same reasons referenced in this letter, that I may not be in a position to provide a fully comprehensive response to the draft presentence report, despite diligent effort. Our response is due on July 15, 2025. I will of course provide a response, but I fear that it may not be complete.

If the Court deems it appropriate, I would of course be prepared to make an in-person, *ex parte* proffer to Your Honor concerning these matters.

Respectfully submitted,



Barry Coburn



Barry Coburn <barry@coburngreenbaum.com>

RE: [EXTERNAL] sentencing

1 message

Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov>

Thu, Jul 10, 2025 at 12:07 PM

To: Barry Coburn <barry@coburngreenbaum.com>

Cc: "Richenthal, Daniel (USANYS)" <Daniel.Richenthal@usdoj.gov>, Sarah Schwietz <sarah@coburngreenbaum.com>, Marc Eisenstein <marc@coburngreenbaum.com>, "Pomerantz, Lara (USANYS)" <Lara.Pomerantz@usdoj.gov>, "Ghosh, Catherine (USANYS)" <Catherine.Ghosh@usdoj.gov>, "Krissoff, Sarah" <skrissoff@cozen.com>, Stephen Boose <[REDACTED]>, Nicolo Dimaria <Nicolo.Dimaria@nysp.uscourts.gov>, "Williams, Karen D." <KWilliams@cozen.com>

Based on what we know now, we do not believe it is likely that his live testimony will be required or appropriate, though we will have to wait until we see his report to take a definitive position on it. Regardless, given that the Court specified that "[t]here will be no further adjournments of" the sentencing date (Dkt. 858), we do not think it is appropriate to seek a further adjournment. In the event that Dr. Schretlen's testimony is required (which we consider highly unlikely and reserve the right to oppose), it could be taken by video, or sentencing could be moved one week earlier.

Paul M. Monteleoni
Senior Trial Counsel
U.S. Attorney's Office
Southern District of New York
26 Federal Plaza, 37th Floor
New York, NY 10278
(212) 637-2219

From: Barry Coburn <barry@coburngreenbaum.com>
Sent: Thursday, July 10, 2025 8:50 AM
To: Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov>
Cc: Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov>; Sarah Schwietz <sarah@coburngreenbaum.com>; Marc Eisenstein <marc@coburngreenbaum.com>; Pomerantz, Lara (USANYS) <Lara.Pomerantz@usdoj.gov>; Ghosh, Catherine (USANYS) <Catherine.Ghosh@usdoj.gov>; Krissoff, Sarah <skrissoff@cozen.com>; Stephen Boose <[REDACTED]>; Nicolo Dimaria <Nicolo.Dimaria@nysp.uscourts.gov>; Williams, Karen D. <KWilliams@cozen.com>
Subject: [EXTERNAL] sentencing

Hello Paul and team -- I hope you all are well and enjoying a nice summer. I'm writing about a scheduling issue that has arisen concerning Nadine Menendez's sentencing, which is set for almost exactly two months from now -- September 11, 2025.

As you know, we have asked Dr. David Schretlen to evaluate Ms. Menendez. He has met with her for, I believe, approximately a full day, during which he administered a number of neuropsychological tests. A few days ago he provided me with a preliminary sense of his findings. My view is that his opinion will be relevant to sentencing.

However, we have a scheduling issue. My view is that the way to present his findings that would be most helpful to the Court, and fairest to all concerned, would be for him to appear in person, testify, and be subject to cross-examination by the government, rather than just to submit a written report. Dr. Schretlen, however, is committed to a visiting professorship at the University of Deusto in Bilbao, Spain, from September 6 through October 13. He will be lecturing on traumatic brain injury and psychometrics, and doing research concentrated on normal cognitive aging.

Consequently I am checking on your position concerning the possibility of postponing sentencing until after Dr. Schretlen's return from Bilbao. I am attaching here a copy of his c.v., though I should note that he recently retired from Hopkins. Best, Barry

Barry Coburn
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On Fri, May 23, 2025 at 12:02 PM Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov> wrote:

We do not object if Pretrial Services does not.

From: Barry Coburn <barry@coburngreenbaum.com>
Sent: Friday, May 23, 2025 11:17 AM
To: Stephen Boose <[REDACTED]>
Cc: Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov>; Sarah Schwietz <sarah@coburngreenbaum.com>; Marc Eisenstein <marc@coburngreenbaum.com>; Pomerantz, Lara (USANYS) <Lara.Pomerantz@usdoj.gov>; Ghosh, Catherine (USANYS) <Catherine.Ghosh@usdoj.gov>; Garzon, Shirel (USANYS) [Contractor] <Shirel.Garzon@usdoj.gov>; Ahuja, Arjun (USANYS) [Contractor] <Arjun.Ahuja@usdoj.gov>; Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov>; Krissoff, Sarah <skrissoff@cozen.com>
Subject: [EXTERNAL] Re: defendant's travel

Much appreciated, Steve. Pretty sure that's right. I believe he's at the Johns Hopkins School of Medicine. Best,
Barry

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On Fri, May 23, 2025 at 11:14 AM Stephen Boose <[REDACTED]> wrote:

Hi Barry,

I'm assuming this is the address based on a google search: 600 N Wolfe St, Baltimore, MD 21287. If so, no objections from PTS.

Steve Boose, LMSW

U.S. Pretrial Services Officer

United States Pretrial Services Office

Southern District of New York

500 Pearl Street, Rm 550

New York, NY 10007

Office: 212-805-4331

Cellular: [REDACTED]

Fax: 212-497-9997

From: Barry Coburn <barry@coburngreenbaum.com>

Sent: Friday, May 23, 2025 10:42 AM

To: Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov>

Cc: Stephen Boose <[REDACTED]>; Sarah Schwietz

<sarah@coburngreenbaum.com>; Marc Eisenstein <marc@coburngreenbaum.com>; Pomerantz, Lara (USANYS) <Lara.Pomerantz@usdoj.gov>; Ghosh, Catherine (USANYS) <Catherine.Ghosh@usdoj.gov>; Garzon, Shirel (USANYS) [Contractor] <Shirel.Garzon@usdoj.gov>; Ahuja, Arjun (USANYS) [Contractor] <Arjun.Ahuja@usdoj.gov>; Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov>; Krissoff, Sarah

<skrissoff@cozen.com>

Subject: Re: defendant's travel

CAUTION - EXTERNAL:

Hello all, the neuropsychologist who will be examining Nadine, Dr. David Schretlen, is available to see her on Saturday, June 7 in Baltimore. Could you please advise if there is any objection to this travel? Best regards, Barry

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On Tue, May 6, 2025 at 12:02 PM Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov> wrote:

The Government has no objection to this trip.

Daniel C. Richenthal
Deputy Chief, Criminal Division
Assistant United States Attorney
United States Attorney's Office
Southern District of New York
[26 Federal Plaza, 37th Floor](http://26FederalPlaza37thFloor)
[New York, NY 10278](http://NewYorkNY10278)
Tel: (212) 637-2109
Fax: (212) 637-2615
Daniel.Richenthal@usdoj.gov

From: Stephen Boose <[REDACTED]>
Sent: Tuesday, May 6, 2025 8:10 AM
To: Barry Coburn <barry@coburngreenbaum.com>; Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov>
Cc: Sarah Schwietz <sarah@coburngreenbaum.com>; Marc Eisenstein <marc@coburngreenbaum.com>; Pomerantz, Lara (USANYS) <Lara.Pomerantz@usdoj.gov>; Ghosh, Catherine (USANYS) <Catherine.Ghosh@usdoj.gov>; Garzon, Shirel (USANYS) [Contractor] <Shirel.Garzon@usdoj.gov>; Ahuja, Arjun (USANYS) [Contractor] <Arjun.Ahuja@usdoj.gov>; Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov>
Subject: [EXTERNAL] RE: defendant's travel

Good morning all,

I have everything I need and have no objections. This travel would be a same day trip to/from VA on 05/19. Ms. Menendez has remained compliant with her bond conditions to date and remains communicative with my office.

Thanks,

Steve

From: Barry Coburn <barry@coburngreenbaum.com>
Sent: Tuesday, May 6, 2025 8:00 AM
To: Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov>
Cc: Sarah Schwietz <sarah@coburngreenbaum.com>; Marc Eisenstein <marc@coburngreenbaum.com>; Pomerantz, Lara (USANYS) <Lara.Pomerantz@usdoj.gov>; Ghosh, Catherine (USANYS) <Catherine.Ghosh@usdoj.gov>; Garzon, Shirel (USANYS) [Contractor] <Shirel.Garzon@usdoj.gov>; Ahuja, Arjun (USANYS) [Contractor] <Arjun.Ahuja@usdoj.gov>; Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov>; Stephen Boose <[REDACTED]>
Subject: defendant's travel

CAUTION - EXTERNAL:

Hi Dan, thanks for your note below. I am copying Ms. Menendez's Pretrial Services Officer, Stephen Boose, here. My understanding is that he has all of the information referenced in your note. Please do not hesitate to discuss this with him and then I'd be grateful if you would let us know the government's position on her proposed travel. Best, Barry

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On Thu, May 1, 2025 at 12:22 PM Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov> wrote:

What are the dates, for what periods of time, will she share her plans/location with Pretrial Services in advance, will she have her cellphone with her, and what is the position of Pretrial Services as to each trip, including any check-in requirements?

From: Barry Coburn <barry@coburngreenbaum.com>
Sent: Thursday, May 1, 2025 4:42 AM
To: Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov>
Cc: Sarah Schwietz <sarah@coburngreenbaum.com>; Marc Eisenstein <marc@coburngreenbaum.com>; Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov>; Pomerantz, Lara (USANYS) <Lara.Pomerantz@usdoj.gov>; Ghosh, Catherine (USANYS) <Catherine.Ghosh@usdoj.gov>; Garzon, Shirel (USANYS) [Contractor] <Shirel.Garzon@usdoj.gov>; Ahuja, Arjun (USANYS) [Contractor] <Arjun.Ahuja@usdoj.gov>
Subject: Re: [EXTERNAL] post-trial motions

Hi Paul, Ms. Menendez would like to travel to Virginia a couple of times, to visit friends, prior to her sentencing. Would you kindly let us know the government's position? Best regards, Barry

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On Wed, Apr 30, 2025 at 12:09 PM Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov> wrote:

We already sent you these on April 15 in connection with your review of the exhibits for the jury laptop, but as a courtesy here they are again.

Paul M. Monteleoni
Senior Trial Counsel

U.S. Attorney's Office

Southern District of New York

26 Federal Plaza, 37th Floor

New York, NY 10278

212-637-2219

From: Barry Coburn <barry@coburngreenbaum.com>
Sent: Wednesday, April 30, 2025 11:59 AM
To: Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov>
Cc: Sarah Schwietz <sarah@coburngreenbaum.com>; Marc Eisenstein <marc@coburngreenbaum.com>; Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov>; Pomerantz, Lara (USANYS) <Lara.Pomerantz@usdoj.gov>; Ghosh, Catherine (USANYS) <Catherine.Ghosh@usdoj.gov>; Garzon, Shirel (USANYS) [Contractor] <Shirel.Garzon@usdoj.gov>; Ahuja, Arjun (USANYS) [Contractor] <Arjun.Ahuja@usdoj.gov>
Subject: Re: [EXTERNAL] post-trial motions

Hi Arjun and Shirel, could we impose on you to forward us copies of both sides' final exhibit lists? Best,
Barry

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On Thu, Apr 24, 2025 at 11:47 AM Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov> wrote:

Thanks Barry. Given the schedule the Court is contemplating for sentencing, we think an extension of time might pose significant difficulties—and are not presently aware of issues that cannot be adequately explored in the time provided for by the Federal Rules—but please let us know what length of extension you believe is necessary, and, to the extent you are able to, why you believe it is necessary, so we can take an informed position.

Paul M. Monteleoni

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26 Federal Plaza, 37th Floor
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From: Barry Coburn <barry@coburngreenbaum.com>
Sent: Thursday, April 24, 2025 9:07 AM
To: Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov>
Cc: Sarah Schwietz <sarah@coburngreenbaum.com>; Marc Eisenstein <marc@coburngreenbaum.com>; Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov>; Pomerantz, Lara (USANYS) <Lara.Pomerantz@usdoj.gov>; Ghosh, Catherine (USANYS) <Catherine.Ghosh@usdoj.gov>; Garzon, Shirel (USANYS) [Contractor] <Shirel.Garzon@usdoj.gov>; Ahuja, Arjun (USANYS) [Contractor] <Arjun.Ahuja@usdoj.gov>
Subject: [EXTERNAL] post-trial motions

Hello all -- Congratulations on the verdict. Are you amenable to an extension of time for our post-trial motions? Best, Barry

Barry Coburn
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On Tue, Apr 15, 2025 at 11:32 PM Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov> wrote:

We've made one or two corrections, the updated set is at the link below. Please let us know if you have additional corrections. This is the link: <https://usafx.box.com/s/8359mnm6puoe4qrdfi1awq5u6gybhsg0>

From: Monteleoni, Paul (USANYS)
Sent: Tuesday, April 15, 2025 3:10 PM
To: Barry Coburn (barry@coburngreenbaum.com) <barry@coburngreenbaum.com>
Cc: Sarah Schwietz <sarah@coburngreenbaum.com>; Marc Eisenstein <marc@coburngreenbaum.com>; Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov>; Pomerantz, Lara (USANYS)

<Lara.Pomerantz@usdoj.gov>; Ghosh, Catherine (USANYS) <Catherine.Ghosh@usdoj.gov>; Garzon, Shirel (USANYS) [Contractor] <Shirel.Garzon@usdoj.gov>; Ahuja, Arjun (USANYS) [Contractor] <Arjun.Ahuja@usdoj.gov>
Subject: Jury exhibit set for review

Judge Stein's practice is to send the jury, at the start of its deliberations, a laptop loaded with admitted exhibits. In preparation to submit the case to the jury, please contact Shirel Garzon or Arjun Ahuja, copied here, to arrange a time to review the jury laptop.

If you wish to begin inspecting the indexes and exhibits to be provided on the laptop before you get a chance to meet up with them to look at the laptop itself, we have uploaded to USAfx a set of the materials to be provided on the laptop (i.e., the admitted GX index and admitted GXS, as well as the admitted DX index and admitted DXs), and they are available here for your review:

<https://usafx.box.com/s/8359mnm6puoe4qrdfi1awq5u6gybhsg0>

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